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300 So. Spring Street, Suite 1702  
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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 CARRIE A. MORALES,

14 Respondent.

Case No. 2007-57

15 **DEFAULT DECISION**  
16 **AND ORDER**

[Gov. Code, §11520]

17 FINDINGS OF FACT

18 1. On or about August 24, 2006, Complainant Ruth Ann Terry, M.P.H, R.N,  
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
20 of Consumer Affairs, filed Accusation No. 2007-57 against CARRIE MORALES (Respondent)  
21 before the Board of Registered Nursing.

22 2. On or about February 5, 1997, the Board of Registered Nursing (Board)  
23 issued Registered Nursing License No. 529527 to Respondent. The Registered Nursing License  
24 was in full force and effect at all times relevant tot he charges brought herein and will expire on  
25 April 30, 2008, unless renewed.

26 3. On or about September 5, 2006, Teresa Sutton, an employee of the  
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
28 2007-57, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
2 which was and is 8525 McAlpine Lane, Riverside, CA 92508. A copy of the Accusation, the  
3 related documents, and Declaration of Service are attached as Exhibit "A", and are  
4 incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about October 4, 2006, the aforementioned documents were  
8 returned by the U.S. Postal Service marked "Unclaimed." A copy of the postal returned  
9 documents are attached hereto as Exhibit B, and are incorporated herein by reference.

10 6. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
13 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 7. Respondent failed to file a Notice of Defense within 15 days after service  
16 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
17 Accusation No. 2007-57 .

18 8. California Government Code section 11520 states, in pertinent part:

19 "(a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions or  
21 upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent."

23 9. Pursuant to its authority under Government Code section 11520, the Board  
24 finds Respondent is in default. The Board will take action without further hearing and, based on  
25 Respondent's express admissions by way of default and the evidence before it, contained in  
26 Exhibits A and B, finds that the allegations in Accusation No. 2007-57 are true.

27 10. The total costs for investigation and enforcement are \$3,253.00, as of  
28 March 26, 2007.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent CARRIE MORALES  
3 has subjected her Registered Nurse License No 529527 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of  
5 Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board of Registered Nursing is authorized to revoke Respondent's  
8 Registered Nurse License based upon the following violations alleged in the Accusation:

9 a. Gross negligence/Business and Professional Code Section 2761(a)(d).

10 b. Gross negligence/False Presentation/Business and Professional Code  
11 2761(a) and (d)/2762(e)/Health and Safety Code Section 11173(a)(b).

12 c. Obtaining controlled substance by fraud and deceit/Business and  
13 Professional Code 2761(a).

14 d. Use of controlled substance/ Business and Professional Code 2761(a)  
15 as defined in 2762(a).

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1 ORDER

2 IT IS SO ORDERED that Registered Nursing License No. 529527, heretofore  
3 issued to Respondent CARRIE MORALES, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
8 statute.

9 This Decision shall become effective on July 2, 2007.

10 It is so ORDERED May 30, 2007

11 *LaTranene W Tate*

12 FOR THE BOARD OF REGISTERED NURSING  
13 DEPARTMENT OF CONSUMER AFFAIRS

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16 60204506.wpd  
17 DOJ docket number:LA2006600257

18 Attachments:

19 Exhibit A: Accusation No. 2007-57, Related Documents, and Declaration of Service  
20 Exhibit B: Postal Return Documents  
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Exhibit A

Accusation No. 2007-57,  
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MICHEL W. VALENTINE, State Bar No. 153078  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-1034  
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6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-57

12 CARRIE A. MORALES  
8525 McAlpine Lane  
Riverside, CA 92508

**A C C U S A T I O N**

13 Registered Nursing License No. 529527

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
20 (Board), Department of Consumer Affairs.

21 2. On or about February 5, 1997, the Board issued Registered Nursing  
22 License No. 599527 to Carrie A. Morales (Respondent). The Registered Nursing License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on April  
24 30, 2008, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the  
27 following laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

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1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
2 defined in Section 4022.

3           “(b) Use any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
5 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
6 injurious to himself or herself, any other person, or the public or to the extent that such use  
7 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
8 license.

9           . . . .

10           “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
11 entries in any hospital, patient, or other record pertaining to the substances described in  
12 subdivision (a) of this section.”

13           8.       Health and Safety Code section 11170 states: “No person shall prescribe,  
14 administer, or furnish a controlled substance for himself.”

15           9.       Health and Safety Code section 11171 states: “No person shall prescribe,  
16 administer, or furnish a controlled substance except under the conditions and in the manner  
17 provided by this division.”

18           10.      Health and Safety Code section 11173 states:

19           “(a) No person shall obtain or attempt to obtain controlled substances, or procure  
20 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
21 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

22           “(b) No person shall make a false statement in any prescription, order, report, or  
23 record, required by this division.”

24           11.      California Code of Regulations, title 16, section 1442 states:

25           “‘As used in Section 2761 of the Code, ‘gross negligence’ includes an extreme  
26 departure from the standard of care, which, under similar circumstances, would have ordinarily  
27 been exercised by a competent registered nurse. Such an extreme departure means the failure to  
28 provide nursing care as required or failure to provide care or to exercise ordinary precaution in a



1 single situation in which the nurse knew, or should have known, could have jeopardized the  
2 client's health or life."

3 12. California Code of Regulations, title 16, section 1443 states:

4 "As used in Section 2761 of the code, 'incompetence' means the lack of  
5 possession of or the failure to exercise that degree of learning, skill, care and experience  
6 ordinarily possessed and exercised by a competent registered nurse as described in Section  
7 1443.5."

8 13. California Code of Regulations, title 16, section 1443.5 states:

9 "A registered nurse shall be considered to be competent when he/she consistently  
10 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
11 sciences in applying the nursing process, as follows:

12 "(1) Formulates a nursing diagnosis through observation of the client's physical  
13 condition and behavior, and through interpretation of information obtained from the client and  
14 others, including the health team.

15 "(2) Formulates a care plan, in collaboration with the client, which ensures that  
16 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and  
17 protection, and for disease prevention and restorative measures.

18 "(3) Performs skills essential to the kind of nursing action to be taken, explains  
19 the health treatment to the client and family and teaches the client and family how to care for the  
20 client's health needs.

21 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
22 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
23 effectively supervises nursing care being given by subordinates.

24 "(5) Evaluates the effectiveness of the care plan through observation of the  
25 client's physical condition and behavior, signs and symptoms of illness, and reactions to  
26 treatment and through communication with the client and health team members, and modifies the  
27 plan as needed.

28 ///

1           "(6) Acts as the client's advocate, as circumstances require, by initiating action to  
2 improve health care or to change decisions or activities which are against the interests or wishes  
3 of the client, and by giving the client the opportunity to make informed decisions about health  
4 care before it is provided."

5           14.     Section 125.3 of the Code provides, in pertinent part, that the Board may  
6 request the administrative law judge to direct a licentiate found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

9           15.     CONTROLLED SUBSTANCES

10           "Lorcet," is brand name for hydrocodone/acetaminophen. It is a Schedule III  
11 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(7),  
12 and is categorized as a "dangerous drug" pursuant to Business and Professions Code section  
13 4022.

14                     FIRST CAUSE FOR DISCIPLINE

15                     (Gross Negligence and Incompetence)

16           16.     Respondent's license is subject to disciplinary action under section 2761,  
17 subdivision (a)(1) of the Code, on the grounds of unprofessional conduct, in that while employed  
18 as a registered nurse, at Loma Linda University Medical Center (LLUMC) Respondent  
19 demonstrated gross negligence and incompetence by forging MD's signatures and writing 5  
20 prescriptions for Lorcet (a controlled substance) for herself on April 21, 2002 (60 tablets), a refill  
21 on April 26, 2002, May 22, 2002 (90 tablets), a refill on May 30, 2002, with a final prescription  
22 on July 29, 2002 for 120 tablets.

23                     SECOND CAUSE FOR DISCIPLINE

24                     (Forged Prescriptions)

25           17.     Respondent's license is subject to disciplinary action under section 2761,  
26 subdivisions (a) and (d), on the grounds of unprofessional conduct, as defined in Business and  
27 Professions Code, section 2762, subdivision (e), for violating Health and Safety Code section  
28 11173, subdivisions (a) and (b), in that while employed as a registered nurse, at LLUMC,

1 Respondent forged an MD's signature on a prescription to obtain Lorcet (a controlled substance),  
2 Complainant refers to, and by this reference incorporates the allegations in paragraph 16, as  
3 though set forth fully.

4 THIRD CAUSE FOR DISCIPLINE

5 (Obtained Controlled Substances by Fraud or Deceit)

6 18. Respondent's license is subject to disciplinary action under section 2761,  
7 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762,  
8 subdivision (a), for violating Health and Safety Code section 11173, subdivision (a), in that while  
9 employed as a registered nurse, at LLUMC, Respondent obtained Lorcet (a controlled substance)  
10 by fraud or deceit. Complainant refers to, and by this reference incorporates the allegations in  
11 paragraphs 16 and 17, as though set forth fully.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Use of a Controlled Substance)

14 19. Respondent's license is subject to disciplinary action under section 2761,  
15 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762,  
16 subdivision (b), in that while employed as a registered nurse, at LLUMC, Respondent used  
17 Lorcet (a controlled substance), without a valid prescription. Complainant refers to, and by this  
18 reference incorporates the allegations in paragraphs 16 through 18, as though set forth fully.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
21 alleged, and that following the hearing, the Board issue a decision:

22 1. Revoking or suspending Registered Nursing License No. 529527, issued to  
23 Carrie A. Morales;

24 2. Ordering Carrie A. Morales to pay the Board the reasonable costs of the  
25 investigation and enforcement of this case, pursuant to Business and Professions Code section  
26 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 24, 2006

Olivia Herring  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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1 BILL LOCKYER, Attorney General  
of the State of California  
2 MICHEL W. VALENTINE, State Bar No. 153078  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 CARRIE A. MORALES

13 Respondent.

Case No. 2007-57

**STATEMENT TO RESPONDENT**

[Gov. Code §§ 11504, 11505(b)]

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15  
16 TO RESPONDENT:

17 Enclosed is a copy of the Accusation that has been filed with the Board of  
18 Registered Nursing of the Department of Consumer Affairs (Board), and which is hereby served  
19 on you.

20 Unless a written request for a hearing signed by you or on your behalf is delivered  
21 or mailed to the Board, represented by Deputy Attorney General Michel W. Valentine, within  
22 fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you,  
23 you will be deemed to have waived your right to a hearing in this matter and the Board may  
24 proceed upon the Accusation without a hearing and may take action thereon as provided by law.

25 The request for hearing may be made by delivering or mailing one of the enclosed  
26 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided  
27 in section 11506 of the Government Code, to:

28 ///

1                   **Michel W. Valentine**  
2                   **Deputy Attorney General**  
3                   **Ronald Reagan Building**  
                    **300 South Spring Street, Suite 1702**  
                    **Los Angeles, CA 90013.**

4                   You may, but need not, be represented by counsel at any or all stages of these  
5 proceedings.

6                   The enclosed Notice of Defense, if signed and filed with the Board, shall be  
7 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any  
8 objection to the form of the Accusation unless you file a further Notice of Defense as provided in  
9 section 11506 of the Government Code within fifteen (15) days after service of the Accusation  
10 on you.

11                  If you file any Notice of Defense within the time permitted, a hearing will be held  
12 on the charges made in the Accusation.

13                  The hearing may be postponed for good cause. If you have good cause, you are  
14 obliged to notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los  
15 Angeles, California 90013, within ten (10) working days after you discover the good cause.  
16 Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a  
17 postponement.

18                  Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are  
19 enclosed.

20                  If you desire the names and addresses of witnesses or an opportunity to inspect  
21 and copy the items mentioned in section 11507.6 of the Government Code in the possession,  
22 custody or control of the Board you may send a Request for Discovery to the above designated  
23 Deputy Attorney General.

24                               **NOTICE REGARDING STIPULATED SETTLEMENTS**

25                  It may be possible to avoid the time, expense and uncertainties involved in an  
26 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated  
27 settlement is a binding written agreement between you and the government regarding the matters  
28 charged and the discipline to be imposed. Such a stipulation would have to be approved by the

1 Board of Registered Nursing but, once approved, it would be incorporated into a final order.

2 Any stipulation must be consistent with the Board's established disciplinary  
3 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the  
4 Board's Disciplinary Guidelines will be provided to you on your written request to the state  
5 agency bringing this action.

6 If you are interested in pursuing this alternative to a formal administrative hearing,  
7 or if you have any questions, you or your attorney should contact Deputy Attorney General  
8 Michel W. Valentine at the earliest opportunity.

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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CARRIE A. MORALES

Respondent.

Case No. 2007-57

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: \_\_\_\_\_

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

**Check appropriate box:**

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.



**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CARRIE A. MORALES

Respondent.

Case No. 2007-57

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: \_\_\_\_\_

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

**Check appropriate box:**

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7**  
**PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

## **SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

\*\*\*\*\*

BILL LOCKYER, Attorney General  
of the State of California  
MICHEL W. VALENTINE, State Bar No. 153078  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-1034  
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-57

CARRIE A. MORALES

**REQUEST FOR DISCOVERY**

Respondent.

[Gov. Code § 11507.6]

TO RESPONDENT:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU  
ARE HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:
  - a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative  
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any  
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and  
6 of other persons having personal knowledge of the acts, omissions or events which are the  
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and  
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be  
11 admissible in evidence, including but not limited to, any patient or hospital records  
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to  
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names  
15 and addresses of witnesses or of persons having personal knowledge of the acts,  
16 omissions or events which are the basis for the proceeding, or (2) reflect matters  
17 perceived by the investigator in the course of his or her investigation, or (3) contain or  
18 include by attachment any statement or writing described in (a) to (e), inclusive, or  
19 summary thereof.

20  
21 For the purpose of this Request for Discovery, "statements" include written  
22 statements by the person, signed, or otherwise authenticated by him or her, stenographic,  
23 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,  
24 and written reports or summaries of these oral statements.

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26 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for  
27 Discovery should be deemed to authorize the inspection or copying of any writing or thing which  
28 is privileged from disclosure by law or otherwise made confidential or protected as attorney's

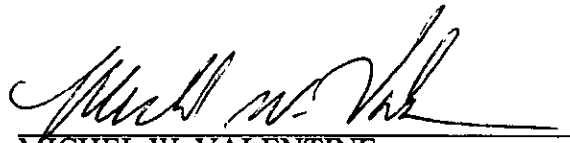
1 work product.

2  
3 Your response to this Request for Discovery should be directed to the undersigned  
4 attorney for the Complainant at the address on the first page of this Request for Discovery **within**  
5 **30 days after service** of the Accusation.

6 Failure without substantial justification to comply with this Request for Discovery  
7 may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30  
8 of the Government Code.

9 DATED: 9/5/06

10 BILL LOCKYER, Attorney General  
11 of the State of California

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13 MICHEL W. VALENTINE  
14 Deputy Attorney General

15 Attorneys for Complainant

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**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

Case Name: **CARRIE A. MORALES**

No.: **2007-57**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

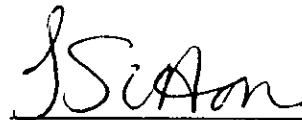
On September 5, 2006, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7, NOTICE OF DEFENSE in duplicate, and REQUEST FOR DISCOVERY** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT, ACCUSATION, GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7, NOTICE OF DEFENSE in duplicate, and REQUEST FOR DISCOVERY** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

**Carrie A. Morales  
8525 McAlpine Lane  
Riverside, CA 92508**

**Certified Number  
7001 0360 0003 2708 0560**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 5, 2006, at Los Angeles, California.

\_\_\_\_\_  
Teresa Sutton  
Declarant



\_\_\_\_\_  
Signature

Exhibit B  
Postal Return Documents





7001 0360 0003 2708 0560

M VALENTINE, DAG

**DEPARTMENT OF JUSTICE**

Office of the Attorney General  
300 South Spring Street  
Los Angeles, California 90013

  
J. Morales  
8526 Alpine Lane  
Riverside, CA 92508



**DECLASSIFIED**

*jc*

14 OCT 2006 SEP 28 2006

EXPIRATION DATE OCT 04 2006

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carrie A. Morales  
8525 McAlpine Lane  
Riverside, CA 92508

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent  
☒ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7001 0360 0003 2708 0560

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952